

WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
May 24, 2021
12:00 P.M.

UNAPPROVED

The Regular Meeting of Weatherly Borough Council was held on May 24, 2021, at 12:00 p.m. in the Municipal Building.

Mayor Paul Hadzick called the meeting to order.

Invocation by Theresa D'Andrea.

Council Members attending: Joseph Cyburt, Theresa D'Andrea, Norman Richie, Harold Farrow, Joseph Thomas, Paul J. Hadzick and those attending via speaker phone: Jeffery Miller.

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O'Donnell; Police Chief Brian Markovchick; Journal Newspapers reporter, Seth Isenberg; Edward Moyer (Live Streaming to Facebook) and citizens: Megan Nanovic, Georgia Farrow, Georgeanne Herling, Judy Desrosiers (Hillclimb Association), Diane Leininger, Denise Stadnik, Sue Gerhard, and Packer Township Supervisors: Robert Selert and Terry Davis.

MINUTES:

The minutes of the Regular Meeting of April 26, 2021, were approved on a motion by Theresa D'Andrea, seconded by Joseph Cyburt, and approved by general acclaim of Council.

TREASURER'S REPORT:

The checking account balances as of April 30, 2021, totaled \$332,208.08.

The Treasurer's Report was approved on a motion by Joseph Cyburt, seconded by Theresa D'Andrea and by roll call vote:

Harold Farrow	Yes	Joseph Cyburt	Yes
Joseph Thomas	Yes	Theresa D'Andrea	Yes
Jeffery Miller	Yes	Norman Richie	Yes
	Paul Hadzick	Yes	

APPROVAL OF BILLS:

The Manager provided a listing of the bills paid on May 6, May 13, May 20, and those to be paid on May 27, 2021, in the amount of \$216,582.03 and they were approved for payment on a motion by Joseph Thomas, seconded by Norman Richie and on a roll call vote:

Joseph Thomas	Yes	Joseph Cyburt	Yes
Jeffery Miller	Yes	Harold Farrow	Yes
Theresa D'Andrea	Yes	Norman Richie	Yes
	Paul Hadzick	Yes	

OTHER ITEMS OF CONCERN:

Magistrate Building Sewer Problems

Harold Farrow asked Mr. Pudliner why Council was not notified of the sewer problems at the new Magistrate office. Mr. Pudliner stated that it was not the Borough's problem it was a problem with the

employees at the Magistrate's office. Disinfectant wipes were being put down the sewer. The Commissioners are aware of the problem and the County paid the bills. Mr. Pudliner added that if it would have been a building problem, he would have notified Council, but because it was Magistrate personnel, he did not feel it was necessary.

BUSINESS:

1. Packer Township Fire Protection Agreement.

Packer Township Supervisor, Robert Selert of 1245 Quakake Road, spoke for Packer Township. He said any increase in insurance in previous years is now being reflected as a 68% increase in the insurance amount. They did not budget for it and their millage does not cover it. Norman Richie said that Packer Township should pay the same as the Borough residents. Mr. Pudliner said he sent the Fire Protection proposal to Packer Township in October or November of 2020. Mr. Selert said that the process should have been started earlier and that he wants to meet with the Borough because they can't afford the increase. Joseph Thomas said it was okay to meet with the Packer Township supervisors because they cannot go with something they cannot afford. Joseph Cyburt said they should work on straightening it out. Paul Hadzick said that he felt it was reasonable to work up to the full amount gradually. Joseph Thomas stated that they received the last proposal from Packer Township on March 18th and they are still deliberating and Packer Township tabled the topic twice. Paul Hadzick said nothing has been done for 5 months. James Nanovic stated that they didn't budget for it this year, but should budget for it next year. The Fire Protection Agreement was tabled because the Borough Committee will meet with Packer Township on Thursday, May 27th at 7pm at the Packer Township building.

2. Civil Service Commission changes to Rules and Regulations.

Mr. Pudliner stated that changes were made and were presented to the Civil Service Commission. There were three items that were changed:

- They changed the section with the milage from 15 to 20 nautical miles and that they had to be within that area 90 days after their probation. This was due to the fact that it was changed in the Police Contract.
- They changed the Veterans Preference Points because previously 10 points were given to a veteran who merely served, but it actually was 10 points for those who served and were wounded or with a disability. Five (5) points are added for a Veteran that merely served. This came from the Veteran Preference Act.
- They changed the physical fitness test items. This was to be in conformance with the other municipalities testing requirements. It appears that the ones that we were using were dated.

The Civil Service Commission reviewed and approved the changes reflected in the Resolution presented to Council. The resolution reads as follows:

CIVIL SERVICE COMMISSION
OF THE BOROUGH OF WEATHERLY
CARBON COUNTY, PENNSYLVANIA

RESOLUTION

RESOLUTION duly adopted by the Civil Service Commission of the Borough of Weatherly, Carbon County, Pennsylvania to amend the Rules and Regulations of the Civil Service Commission.

WHEREAS, the Civil Service Commission of the Borough of Weatherly, Carbon County, Pennsylvania has previously adopted Rules and Regulations confirming and ratifying its procedures and operations: and

WHEREAS, review of said Rules and Regulations have found that it is necessary to adopt certain amendments to said Rules and Regulations.

NOW THEREFORE, be it resolved that the Civil Service Commission of the Borough of Weatherly, Carbon County, Pennsylvania hereby adopts the following amendments to its Rules and Regulations

Section 3.4 shall read as follows:

3.1 Age and Residency Requirements.

All applicants must have reached their twenty-first (21) birthday before the deadline for submitting completed applications. Applicants must reside within twenty (20) nautical mile radius of the Borough of Weatherly within 90 days after completing their probationary period.

Section 4.6 shall read as follows:

4.6 Physical Fitness Testing.

An applicant for the position of police officer must meet the following requirements of sub-Section (a) Through (e)

- (a) Vertical Jump –The applicant stands in front of a bar held at the predetermined height of (15.5 inches) a cooper standard. A vertical jump is made by the applicant taking one step back with either foot: the applicant steps forward, and jumps over the bar. The applicant may jump from both feet without taking a step. The successful completion will be jumping over the bar height without touching or knocking over the bar and landing without falling.
- (b) Dummy Drag –After receiving the Go command “GO” the participant will run 35 feet to the start of the location of the dummy drag, grab the dummy under both arms and drag the dummy until the legs pass the last set of cones. Once the legs of the dummy pass the last set of cones, the proctor will direct the candidate to drop the dummy and run to the start line without stopping. (the dummy weight is approximately 150 pounds) Do not throw the dummy
- (c) 300 Meter Run – The participant should be given three (3) to Five (5) minutes to warm up. The starter will then line the applicant on the starting line. The timer will take position at the finish line. The timer will keep and operate an official stopwatch and back-up stopwatch. The event is measured in seconds Male (20-29 years=62.1) (30-39 years=63) (40-49 years=77) (50-59years=87) Female (20-29 years=75) (30-30 years=82) (40-49 years=106.7)
- (d) Car Push –The applicant will stand to the rear of the vehicle that is parked 25 feet from a premeasured line. The applicant may face forward or backwards whichever he/she chooses. The applicant will push the vehicle with an operator in it and the vehicle in neutral and no brakes applied 25feet. The successful completion will be pushing the entire vehicle passed the line in 20 seconds
- (e) 1.5 Mile Run- The starter/timer will then line the participant up on the starting line. They will keep and operate the official stopwatch and back up stopwatch. The event is measured in minutes and seconds. (15 minutes to pass)
- (f) A model letter informing applicants that they passed the physical agility test is attached as Appendix A-18 and a model letter informing applicants that they failed the physical agility test is attached as Appendix A-19 and both are incorporated into these Rules and Regulations.

A motion to approved the changes to the rules and regulations was made by Norman Richie, seconded by Joseph Cyburt and approved on a roll call vote:

Norman Richie	Yes	Jeffery Miller	Yes
Theresa D'Andrea	Yes	Harold Farrow	Yes
Joseph Thomas	Yes	Joseph Cyburt	Yes
Paul Hadzick		Yes	

3. Discussion on Ordinance Chapter 92 Abandon Vehicles and Unlicensed.

Mr. Pudliner stated that sections of this ordinance are illegal. Since we do use the International Property Maintenance Code to handle abandon vehicles on private property, we do not need this ordinance. Mr. Pudliner stated that he did discuss this with Mr. Nanovic and he agreed we should remove it since we use the International Property Maintenance Code to handle abandon vehicles on private property.

A motion to allow the Borough Manager to advertise was made by Joseph Cyburt, seconded by Theresa D'Andrea and approved on a roll call vote:

Joseph Cyburt	Yes	Harold Farrow	Yes
Theresa D'Andrea	Yes	Joseph Thomas	Yes
Norman Richie	Yes	Jeffery Miller	Left meeting @ 12:30 pm
Paul Hadzick	Yes		

4. Vote on Garbage Ordinance – Ordinance Published.

Mr. Pudliner stated that the ordinance has been published. The new ordinance takes out items that no longer existed in the Borough and adds some regulations that were policies and not enforceable. Such as no garbage out more than 24 hours before pickup and that the garbage fee is paid whether the property is occupied or not. This is because we pay per dwelling unit in our contract with the hauler. All other municipalities do the same thing.

A motion to approve the Garbage Ordinance was made by Joseph Cyburt, seconded by Norman Richie and approved on roll call vote:

Theresa D'Andrea	Yes	Harold Farrow	Yes
Joseph Thomas	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Paul Hadzick	Yes

5. Discussion on the Burn Ordinance.

Mr. Pudliner provided Council with a copy of the Burn Ordinance. He stated that it makes it more enforceable for the Police Department as to what can be burned and what cannot be burned and makes it more understandable for residents.

A motion to table the Burn Ordinance was made by Joseph Cyburt, seconded by Norman Richie and approved by general acclaim of Council.

6. Proclamation "National Poppy Day".

Mr. Pudliner said that the American Legion Auxiliary unit 360 requested that Weatherly Borough Council sign the Poppy Walk Proclamation and they also asked for a police escort through the Borough as they walk on Friday, May 28, 2021. They will start at the Post Home at 10:00 am and proceed to the Weatherly Plaza and return to the Post Home. The following Proclamation was read by Georgia Farrow of the American Legion Auxiliary.

PROCLAMATION

Expressing support for the designation of May 28, 2021, as National Poppy Day in Weatherly and recognizing the importance of honoring those who have worn our nation's uniform: and

WHEREAS, at the end of World War 1, The American Legion adopted the poppy as a symbol of freedom and the blood sacrificed by troops in wartimes. The symbolic use of the poppy comes from the poem "In Flanders Fields," which movingly begins, "In Flanders Fields the poppies blow, between the crosses, row on row," referring to the poppies that sprang up in the churned-up earth of newly dug soldiers' graves over parts of Belgium and France; and

WHEREAS; The American Legion family has long utilized the red poppy as its official flower, symbolizing the blood shed by those who have served in our U.S. military, and it is fitting that as The American Legion celebrates its 100th Anniversary, they expand the meaning and symbolism of the poppy, mirroring the manner in which the poppy is symbolically showcased in England and Canada in celebratory fashion on their Remembrance Day, also known as Armistice Day and Poppy Day; and

WHEREAS; wearing a poppy will unite citizens from across the country who decide to show their patriotism; and

WHEREAS; May 28th 2021, would be an appropriate date to designate as National Poppy Day.

NOWTHEREFORE; be it resolved, that the Weatherly Borough Council -----

- (1) Supports the designation of May 28, 2021 as National Poppy Day; and
 - (2) Encourages all citizens, residents and visitors in Weatherly to join in observing this day to honor every servicemember who has died in the name of liberty, freedom and democracy while also showing their support for living veterans, servicemembers and their families.
- On this 24th day of May, 2021

A motion to approve the National Poppy Day Proclamation was made by Joseph Cyburt, seconded by Harold Farrow and approved by general acclaim of Council.

7. Electric Ordinance Update.

Mr. Pudliner said that he had inquiries concerning solar panels for electric generation to augment the electric in homes and businesses. People have always been referred to our engineers to work out the details but we should have something in writing as an ordinance with a policy. The engineer sent him the ordinance addition and the policy which Mr. Pudliner provided to Council.

27-52 Sale and/or resale of electricity by others prohibited.

- A. The Borough of Weatherly prohibits any electric generation supplier from serving end –use customers within the limits of the Borough of Weatherly.
- B. No person shall purchase electric energy from the Light and Power Department and resell such energy.
- C. Customer service generation will be allowed in the Borough subject to the Borough of Weatherly technical requirements for customer owned generation. [1] Such technical requirements may be amended from time to time by Weatherly Borough Council by resolution.

Mr. Pudliner stated that solar panels and generators are being installed more often now. It will protect the Borough's internal system from damage.

A motion to advertise the Electric Ordinance update was made by Theresa D'Andrea, seconded by Joseph Cyburt and approved by general acclaim of Council.

8. Review and Approve N.A.R.M.

Mr. Pudliner informed Council that they have to do this certification every year so the information can be updated and after they approve it at the meeting, he will turn it over to Mr. James Wetzel, who is the Borough Emergency Management official.

A motion to approve the N.A.R.M. update was made by Joseph Thomas, seconded by Norman Richie and approved by general acclaim of Council.

9. Updates to Assumptions of Police and Non-Uniform Pension Plans.

Mr. Pudliner explained that the pension actuarial service (Mockenhaupt) recommended that the assumptions that are used to calculate the pensions be updated. These are items such as morality tables, lowering the inflation rate and updating disability assumptions. Mr. Pudliner added that it had been quite a long time since the assumptions had been updated and it is customary to wait until the actuarial service recommends a change.

The changes to the Police Pension Plan are:

- 1) Lowering the inflation / CPI assumption from 2.75% to 2.50% per year.
- 2) Updating the mortality assumption, from the RP-2014 mortality table with 50% Blue Collar adjustment and mortality improvement projected with rate derived from the Long-Range Demographic Assumptions for the Social Security Administration's 2015 Trustee Report, to the PubS-2010 mortality table and mortality improvement projected from base year 2020 with rates derived from the Long-Range Demographic Assumptions for the Social Security Administration's 2020 Trustee Report.
- 3) Updating the disability assumption from being based on the 2010 SA Trustees' Report to be based on the 2020 SSA Trustees' Report.

They have also presented a change in the asset valuation method from using the market value of assets to phasing in four-year asset smoothing by deferring 75% of the investment gain from the year 2020.

The changes to the Non-Uniform Plan are:

- 1) Lowering the long-term inflation assumption from 2.75% to 2.50% per year.
- 2) Lowering the assumed interest rate from 7.25% to 6.75% per year.
- 3) Lowering the salary increase assumption from 5.00% to 4.50% per year.
- 4) Updating the mortality assumption (currently the RP-2014 mortalitytable with 50% Blue Collar adjustment and mortality improvement projected with rates derived from the Long-Range Demographic Assumptions for the Social Security Administration's 2015 Trustee Report) be updated to the PubG-2010 mortality table and mortality improvement projected from base year 2020 with rates derived from the Long-Range Demographic Assumptions for the Social Security Administration's 2020 Trustee Report.

A motion to approve the updates to the assumptions of the Police and Non-Uniform Pension Plans was made by Joseph Thomas, seconded by Theresa D'Andrea and approved on a roll call vote:

Joseph Cyburt	Yes	Theresa D'Andrea	Yes
Harold Farrow	Yes	Joseph Thomas	Yes
Norman Richie	Yes	Paul Hadzick	Yes

10. Sale of Properties.

Mr. Pudliner asked Council to authorize him to put the old Borough building and the two vacant lots on Hudsonale Street up for sale again. He was thinking about doing this in July.

A motion to authorize the Borough Manager to sell the old Borough building and the two vacant lots on Hudsonale Street was made by Joseph Thomas, seconded by Norman Richie and approved on a roll call vote:

Theresa D'Andrea	Yes	Harold Farrow	Yes
Joseph Thomas	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Paul Hadzick	Yes

11. Hillclimb Liability.

Mr. Pudliner informed Council that every year he signs a letter to PennDOT that the Borough approves the closing of Hill Street for the Hillclimb event and that the Borough recognizes that the Hillclimb Association has the proper detours set up for the closure and that the closure is for the two days of the event and that is all the Borough commits to in the letter. He provided Council with a copy of the letter to which he was referring. He said this year PennDOT is asking the Borough to assume all the liability and defend them in any and all instances should there be a law suit. Now this does not just affect the Borough because the Hillclimb is only in the Borough to turn two or Fritz Lane. The rest of the hillclimb is in Lehigh and Lausanne Township, so they will have to assume the same liability. Mr. Pudliner added that the Borough had never assumed this liability before and this is the first year it was presented.

Mr. Pudliner explained that there is legislation in the Senate to allow this wording to be changed but we have no idea how long the Senate will take to get it passed. It is not just the Hillclimb, this covers any event in the State that closes a State Road and the municipality that the event is held. It is statewide.

Mr. Pudliner also added that the Borough has always been named additional insured by the Sport Car Club of America but that is not the same as what PennDOT is asking. Mr. Nanovic approved the event and read the highlighted part of the paragraph where it says the event is in Weatherly Borough and the outlying Township. Joseph Thomas added that there is a potential for injuries and coverage for a fatality, something of that magnitude could bankrupt the Borough. PennDOT will not take responsibility for such events across the commonwealth. Mr. Pudliner said the Borough is in need of indemnity insurance and the certificate must be obtained.

A motion to authorize the Borough Manager to sign the letter to PennDOT with the solicitor's review and approval was made by Norman Richie, seconded by Theresa D'Andrea and approved on a roll call vote:

Harold Farrow	Yes	Joseph Thomas	Yes
Norman Richie	Yes	Joseph Cyburt	Abstained
Theresa D'Andrea	Yes	Paul Hadzick	Yes

12. Discussion on Swim Fees.

Council had agreed on \$2.00 per person per day as a good price to charge for swimmers. Mr. Pudliner stated that a resident brought up the question about the age limits. Mr. Pudliner asked Council their feelings about children 5 years old and under swim at no charge because they are not in the water most of the time. It was stated that the lake would probably open the second or third week in June tentatively. More lifeguards and concession stand help is still needed. Theresa D'Andrea felt that in fairness children 5 years and under should swim for free. Joseph Thomas requested tabling this issue for now because he is not happy with the cost of swimming. Swim fees were tabled until next month's meeting.

OTHER ITEMS OF CONCERN:

Council Meeting Change

Joseph Thomas stated that on May 31, 2021, the Governor plans to open things back up. Mr. Thomas felt the meetings should return to night meetings at 7 pm on the third Monday of the month so that it can be open to the public.

A motion to return to holding the Borough Council meetings on the third Monday of each month at 6 pm was made by Joseph Cyburt, seconded by Joseph Thomas and approved on a roll call vote:

Harold Farrow	Yes	Joseph Thomas	Yes
Norman Richie	Yes	Joseph Cyburt	Yes
Theresa D'Andrea	Yes	Paul Hadzick	No

ADJOURN:

A motion to adjourn the meeting at 12:59 pm was made by Norman Richie, seconded by Theresa D'Andrea.